



Gaming Committee

Filed: 3/12/2008

09500HB4758ham001

LRB095 16893 AMC 48276 a

1 AMENDMENT TO HOUSE BILL 4758

2 AMENDMENT NO. _____. Amend House Bill 4758 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Illinois State Fairgrounds Racetrack Authority Act.

6 Section 5. Definitions. As used in this Act:

7 "Authority" means the Illinois State Fairgrounds Racetrack
8 Authority created by this Act.

9 "Racing contractor" means any person or entity selected by
10 the Authority and approved by the Illinois Racing Board to
11 manage and operate the race meets and racing facility within
12 the Illinois State Fairgrounds pursuant to a contract.

13 "Executive director" means the person appointed by the
14 Board to oversee the daily operations of the Authority.

15 Section 10. Creation of the Authority. There is hereby

1 created a political subdivision, unit of local government with
2 only the powers authorized by law, body politic, and municipal
3 corporation, by the name and style of the Illinois State
4 Fairgrounds Racetrack Authority.

5 Section 15. Duties of the Authority. It shall be the duty
6 of the Authority to promote, operate, and maintain horse racing
7 operations through a racing contractor in the Illinois State
8 Fairgrounds as provided in this Act. The Authority shall equip
9 and maintain the fairgrounds and its buildings and facilities
10 for that purpose. The Authority has the right to contract with
11 a racing contractor and other third parties in order to fulfill
12 its purpose. The Authority is granted all rights and powers
13 necessary to perform such duties.

14 Section 20. Board.

15 (a) The governing and administrative powers of the
16 Authority is vested in a body consisting of 7 members, 2 of
17 which shall be appointed by the Chairman of the Sangamon County
18 Board with the advice and consent of the Sangamon County Board,
19 one of whom is appointed for an initial term of one year, and
20 one of whom is appointed for an initial term of 3 years; 2 of
21 which shall be appointed by the Mayor of the City of
22 Springfield with the advice and consent of the city council,
23 one of whom is appointed for an initial term of one year, and
24 one of whom is appointed for an initial term of 3 years; 2 of

1 which shall be appointed by the Director of the Department of
2 Agriculture, one for an initial term of one year and one for an
3 initial term of 3 years; and one of which shall be appointed by
4 the Chairman of the Sangamon County Emergency Telephone Systems
5 Board for an initial term of 3 years. All appointees shall be
6 subject to approval by the Illinois Racing Board. The Chairman
7 of the Authority shall be elected annually by the Board.

8 (b) All successors shall hold office for a term of 5 years,
9 except in the case of an appointment to fill a vacancy. Each
10 member, including the chairperson, shall hold office until the
11 expiration of his or her term and until his or her successor is
12 appointed and qualified. Nothing shall preclude a member from
13 serving consecutive terms. Any member may resign from office,
14 to take effect when a successor has been appointed and
15 qualified. A vacancy in office shall occur in the case of a
16 member's death or indictment, conviction, or plea of guilty to
17 a felony. A vacancy shall be filled for the unexpired term with
18 the approval of the Illinois Racing Board.

19 (c) The appointing officer or the Illinois Racing Board may
20 remove any member of the Board upon a finding of incompetence,
21 neglect of duty, or misfeasance or malfeasance in office or for
22 a violation of this Act. The Illinois Racing Board may remove
23 any member of the Board for any violation of the Illinois Horse
24 Racing Act of 1975 or the rules and regulations of the Illinois
25 Racing Board.

26 (d) Board members shall receive \$300 for each day it meets

1 and shall be entitled to reimbursement of reasonable expenses
2 incurred in the performance of their official duties. A Board
3 member who serves in the office of secretary-treasurer may also
4 receive compensation for services provided as that officer.

5 (e) The Board shall prescribe the time and place for
6 meetings, the manner in which special meetings may be called,
7 and the notice that must be given to members. All actions and
8 meetings of the Board shall be subject to the provisions of the
9 Open Meetings Act. Four members of the Board shall constitute a
10 quorum. All substantive action of the Board shall be by
11 resolution with an affirmative vote of a majority of the
12 members.

13 Section 25. Executive director; officers.

14 (a) The Authority shall appoint an executive director,
15 after the completion of a background investigation and approval
16 by the Illinois Racing Board, who shall be the chief executive
17 officer of the Authority. The Board shall fix the compensation
18 of the executive director. Subject to the general control of
19 the Board, the executive director shall be responsible for the
20 management of the business, properties, and employees of the
21 Authority. The executive director shall direct the enforcement
22 of all resolutions, rules, and regulations of the Board, and
23 shall perform such other duties as may be prescribed from time
24 to time by the Board. All employees and independent
25 contractors, consultants, engineers, architects, accountants,

1 attorneys, financial experts, construction experts and
2 personnel, superintendents, managers, and other personnel
3 appointed or employed pursuant to this Act shall report to the
4 executive director. In addition to any other duties set forth
5 in this Act, the executive director shall do all of the
6 following:

7 (1) Direct and supervise the administrative affairs
8 and activities of the Authority in accordance with its
9 rules, regulations, and policies.

10 (2) Attend meetings of the Board.

11 (3) Keep minutes of all proceedings of the Board.

12 (4) Approve all accounts for salaries, per diem
13 payments, and allowable expenses of the Board and its
14 employees and consultants.

15 (5) Report and make recommendations to the Board
16 concerning the terms and conditions of any contract with a
17 horse racing contractor.

18 (6) Perform any other duty that the Board requires for
19 carrying out the provisions of this Act.

20 (7) Devote his or her full time to the duties of the
21 office and not hold any other office or employment.

22 (b) The Board may select a secretary-treasurer to hold
23 office at the pleasure of the Board. The Board shall fix the
24 duties of such officer.

25 Section 30. General rights and powers of the Authority. In

1 addition to the duties and powers set forth in this Act, the
2 Authority shall have the following rights and powers:

3 (1) Transition the conduct of horse racing at the
4 Illinois State Fairgrounds from an annual race meeting that
5 is contained within the duration of the Illinois State Fair
6 to an annual standardbred race meeting that lasts from 3 to
7 9 months, depending on funding and market conditions.

8 (2) Adopt and alter an official seal.

9 (3) Establish and change its fiscal year.

10 (4) Sue and be sued, plead and be impleaded, all in its
11 own name, and agree to binding arbitration of any dispute
12 to which it is a party.

13 (5) Adopt, amend, and repeal by-laws, rules, and
14 regulations consistent with the furtherance of the powers
15 and duties provided for.

16 (6) Maintain its principal office and such other
17 offices as the Board may designate.

18 (7) Conduct background investigations of potential
19 racing contractors, including its principals or
20 shareholders, and Authority staff.

21 (8) Employ, either as regular employees or independent
22 contractors, consultants, engineers, architects,
23 accountants, attorneys, financial experts, construction
24 experts and personnel, superintendents, managers and other
25 professional personnel, and such other personnel as may be
26 necessary in the judgment of the Board, and fix their

1 compensation.

2 (9) Operate and maintain grounds, buildings, and
3 facilities to carry out its corporate purposes and duties.

4 (10) Enter into, revoke, and modify contracts.

5 (11) Enter into a contract with a racing contractor.

6 (12) Develop, or cause to be developed by a third
7 party, a master plan for development of horse racing at the
8 Illinois State Fairgrounds.

9 (13) Negotiate and enter into intergovernmental
10 agreements with the State and its agencies and units of
11 local government in furtherance of the powers and duties of
12 the Board, including with the Department of Agriculture for
13 the use of facilities in compliance with the State Fair
14 Act.

15 (14) Receive and disburse funds for its own corporate
16 purposes or as otherwise specified in this Act.

17 (15) Borrow money from any source, public or private,
18 for any corporate purpose, including, without limitation,
19 working capital for its operations, reserve funds, or
20 payment of interest, and to mortgage, pledge, or otherwise
21 encumber the property or funds of the Authority and to
22 contract with or engage the services of any person in
23 connection with any financing, including financial
24 institutions, issuers of letters of credit, or insurers and
25 enter into reimbursement agreements with this person or
26 entity which may be secured as if money were borrowed from

1 the person or entity.

2 (16) Receive and accept from any source, private or
3 public, contributions, gifts, or grants of money or
4 property to the Authority.

5 (17) Provide for the insurance of any property,
6 operations, officers, members, agents, or employees of the
7 Authority against any risk or hazard, to self-insure or
8 participate in joint self-insurance pools or entities to
9 insure against such risk or hazard, and to provide for the
10 indemnification of its officers, members, employees,
11 contractors, or agents against any and all risks.

12 (18) Exercise all the corporate powers granted
13 Illinois corporations under the Business Corporation Act
14 of 1983, except to the extent that powers are inconsistent
15 with those of a body politic and corporate of the State.

16 (19) Do all things necessary or convenient to carry out
17 the powers granted by this Act.

18 Section 35. Contracts with racing contractors.

19 (a) The Board shall develop and administer a competitive
20 sealed bidding process for the selection of a potential racing
21 contractor to develop or operate horse racing at the Illinois
22 State Fairgrounds. The Board shall issue one or more requests
23 for proposals. The Board may establish minimum financial and
24 investment requirements to determine the eligibility of
25 persons to respond to the Board's requests for proposal, and

1 may establish and consider such other criteria as it deems
2 appropriate. The Board may impose a fee upon persons who
3 respond to requests for proposal, in order to reimburse the
4 Board for its costs in preparing and issuing the requests and
5 reviewing the proposals.

6 (b) The Board may enter into contracts for the development
7 of horse racing at the Illinois State Fairgrounds, provided
8 that no such contract shall encumber the Department of
9 Agriculture.

10 (c) Within 5 days after the time limit for submitting bids
11 and proposals has passed, the Board shall make all bids and
12 proposals public. Thereafter, the Board shall evaluate the
13 responses to its requests for proposal and the ability of all
14 persons or entities responding to its request for proposal to
15 meet the requirements of this Act and to undertake and perform
16 the obligations set forth in its requests for proposal.

17 (d) After reviewing proposals and subject to approval by
18 the Illinois Racing Board, the Board shall enter into a
19 contract. If the Illinois Racing Board approves the contract,
20 the Board shall transmit a copy of the executed contract to the
21 Illinois Racing Board.

22 (e) Any contract entered into by the Authority under this
23 Section after electronic gaming is authorized at the Illinois
24 State Fairgrounds under the Illinois Horse Racing Act of 1975
25 and the Riverboat Gambling Act (i) may not be for a term of
26 less than 10 or more than 20 years and (ii) shall require the

1 racing contractor to make a payment before the racing
2 contractor may begin conducting electronic gaming at the
3 Illinois State Fairgrounds in an amount of at least 50% of the
4 present value of any total compensation expected to be paid by
5 the racing contractor to the Authority and the amount paid
6 shall be discounted from future payments made by the racing
7 contractor to the Authority. Any payment received by the
8 Authority under this subsection (e) must be distributed as
9 follows: 66 2/3% shall be paid to the Department of Agriculture
10 for deposit into the State Fairgrounds Infrastructure
11 Improvement Fund and 33 1/3% shall be paid to the Sangamon
12 County Central Dispatch System.

13 Section 37. Relationship with Illinois Racing Board. The
14 Authority and its racing contractor are subject to all of the
15 rules of the Illinois Racing Board adopted under the Illinois
16 Horse Racing Act of 1975.

17 Section 40. Transfer of funds. The revenues received by
18 the Authority (other than amounts required to be paid pursuant
19 to the Illinois Horse Racing Act of 1975 and amounts required
20 to pay the operating expenses of the Authority, to pay amounts
21 due the racing contractor pursuant to a contract, and to repay
22 any borrowing of the Authority made pursuant to Section 30)
23 shall be transferred to the General Revenue Fund.

1 Section 45. Jurisdiction over property. The Authority
2 shall have concurrent jurisdiction with the Department of
3 Agriculture over all of the real estate of the Illinois State
4 Fairgrounds that is used for horse racing, including those
5 facilities commonly known as "one-mile track" and adjacent
6 backstretch infrastructure; however, when it is necessary to
7 have controlling jurisdiction over the operation of the
8 property to obey a mandate of the Illinois Racing Board, the
9 Authority shall have controlling jurisdiction, except that no
10 such compliance by the Authority to any mandate imposed by the
11 Racing Board shall impose any budgetary expense upon the
12 Department of Agriculture. No substantial changes may be made
13 to the infrastructure of the Illinois State Fairgrounds unless
14 the Director of Agriculture grants affirmative approval for the
15 changes.

16 Section 50. Budgets and reporting.

17 (a) The Board shall annually adopt a budget for each fiscal
18 year. The budget may be modified from time to time in the same
19 manner and upon the same vote as it may be adopted. The budget
20 shall include the Authority's available funds and estimated
21 revenues and shall provide for payment of its obligations and
22 estimated expenditures for the fiscal year, including, without
23 limitation, expenditures for administration, operation,
24 maintenance and repairs, debt service, and deposits into
25 reserve and other funds and capital projects.

1 (b) The Board shall annually cause the finances of the
2 Authority to be audited by a firm of certified public
3 accountants and post the firm's audits of the Authority on the
4 Authority's Internet website. The Auditor General has the
5 authority and is required to conduct a financial and management
6 audit of the Authority every 2 years. The Auditor General's
7 audits must be posted on his or her Internet website. The
8 Auditor General shall submit a bill to the Authority for costs
9 associated with the audits required under this Section. The
10 Authority shall reimburse in a timely manner.

11 (c) The Board shall, for each fiscal year, prepare an
12 annual report setting forth information concerning its
13 activities in the fiscal year. The annual report shall include
14 the audited financial statements of the Authority for the
15 fiscal year, the budget for the succeeding fiscal year, and the
16 current capital plan as of the date of the report. Copies of
17 the annual report shall be made available to persons who
18 request them and shall be submitted not later than 120 days
19 after the end of the Authority's fiscal year to the Governor,
20 the Mayor, the General Assembly, and the Commission on
21 Government Forecasting and Accountability.

22 Section 55. Deposit and withdrawal of funds.

23 (a) All funds deposited by the Authority in any bank or
24 savings and loan association shall be placed in the name of the
25 Authority and shall be withdrawn or paid out only by check or

1 draft upon the bank or savings and loan association, signed by
2 2 officers or employees designated by the Board.
3 Notwithstanding any other provision of this Section, the Board
4 may designate any of its members or any officer or employee of
5 the Authority to authorize the wire transfer of funds deposited
6 by the secretary-treasurer of funds in a bank or savings and
7 loan association for the payment of payroll and employee
8 benefits-related expenses.

9 No bank or savings and loan association shall receive
10 public funds as permitted by this Section unless it has
11 complied with the requirements established pursuant to Section
12 6 of the Public Funds Investment Act.

13 (b) If any officer or employee whose signature appears upon
14 any check or draft issued pursuant to this Act ceases (after
15 attaching his signature) to hold his or her office before the
16 delivery of such a check or draft to the payee, his or her
17 signature shall nevertheless be valid and sufficient for all
18 purposes with the same effect as if he or she had remained in
19 office until delivery thereof.

20 Section 60. Contracts with the Authority; disclosure
21 requirements.

22 (a) A bidder, offeror, or contractor must disclose the
23 names of all officers and directors. A bidder, offeror, or
24 contractor for contracts with the Authority shall disclose the
25 identity of every owner, beneficiary, or person with beneficial

1 interest of more than 1%, or shareholder entitled to receive
2 more than 1% of the total distributable income of any
3 corporation, having any interest in the contract in the bidder,
4 offeror, or contractor. The disclosure shall be in writing and
5 attested to by an owner, trustee, corporate official, or agent.
6 If stock in a corporation is publicly traded and there is no
7 readily known individual having greater than a 1% interest,
8 then a statement to that effect attested to by an officer or
9 agent of the corporation or shall fulfill the disclosure
10 statement requirement of this Section. A bidder, offeror, or
11 contractor shall notify the Authority of any changes in
12 officers, directors, ownership, or individuals having a
13 beneficial interest of more than 1%.

14 (b) A bidder, offeror, or contractor for contracts with an
15 annual value of \$10,000 or for a period to exceed one year
16 shall disclose all political contributions of the bidder,
17 offeror, or contractor and any affiliated person or entity.
18 Disclosure shall include at least the names and addresses of
19 the contributors and the dollar amounts of any contributions to
20 any political committee made within the previous 2 years.

21 (c) As used in this Section:

22 "Contribution" means contribution as defined in Section
23 9-1.4 the Election Code.

24 "Affiliated person" means (i) any person with any ownership
25 interest or distributive share of the bidding or contracting
26 entity in excess of 1%, (ii) executive employees of the bidding

1 or contracting entity, and (iii) the spouse and minor children
2 of any such persons.

3 "Affiliated entity" means (i) any parent or subsidiary of
4 the bidding or contracting entity, (ii) any member of the same
5 unitary business group, or (iii) any political committee for
6 which the bidding or contracting entity is the sponsoring
7 entity.

8 (d) The Illinois Racing Board may direct the Authority to
9 void a contract if a violation of this Section occurs.

10 Section 65. Purchasing.

11 (a) All construction contracts and contracts for supplies,
12 materials, equipment, and services, when the cost thereof to
13 the Authority exceeds \$25,000, shall be let to the lowest
14 responsible bidder, after advertising for bids, except for the
15 following:

16 (1) When repair parts, accessories, equipment, or
17 services are required for equipment or services previously
18 furnished or contracted for;

19 (2) Professional services;

20 (3) When services such as water, light, heat, power,
21 telephone (other than long-distance service), or telegraph
22 are required;

23 (4) When contracts for the use, purchase, delivery,
24 movement, or installation of data processing equipment,
25 software, or services and telecommunications equipment,

1 software, and services are required;

2 (5) Contracts with a racing contractor, which shall be
3 awarded as set forth in Section 35 of this Act.

4 (b) All contracts involving less than \$25,000 shall be let
5 by competitive bidding whenever possible, and in any event in a
6 manner calculated to ensure the best interests of the public.

7 (c) In determining the responsibility of any bidder, the
8 Authority may take into account the bidder's (or an individual
9 having a beneficial interest, directly or indirectly, of more
10 than 1% in such bidding entity) past record of dealings with
11 the Authority, the bidder's experience, adequacy of equipment,
12 and ability to complete performance within the time set, and
13 other factors besides financial responsibility. No such
14 contract shall be awarded to any bidder other than the lowest
15 bidder (in case of purchase or expenditure) unless authorized
16 or approved by a vote of at least 4 members of the Board and
17 such action is accompanied by a written statement setting forth
18 the reasons for not awarding the contract to the highest or
19 lowest bidder, as the case may be. The statement shall be kept
20 on file in the principal office of the Authority and open to
21 public inspection.

22 (d) The Authority shall have the right to reject all bids
23 and to re-advertise for bids. If after any such
24 re-advertisement, no responsible and satisfactory bid, within
25 the terms of the re-advertisement, is received, the Authority
26 may award such contract without competitive bidding, provided

1 that the Illinois Racing Board must approve the contract prior
2 to its execution. The contract must not be less advantageous to
3 the Authority than any valid bid received pursuant to
4 advertisement.

5 (e) Advertisements for bids and re-bids shall be published
6 at least once in a daily newspaper of general circulation
7 published in the City of Springfield at least 10 calendar days
8 before the time for receiving bids, and such advertisements
9 shall also be posted on readily accessible bulletin boards in
10 the principal office of the Authority. Such advertisements
11 shall state the time and place for receiving and opening of
12 bids and, by reference to plans and specifications on file at
13 the time of the first publication or in the advertisement
14 itself, shall describe the character of the proposed contract
15 in sufficient detail to fully advise prospective bidders of
16 their obligations and to ensure free and open competitive
17 bidding.

18 (f) All bids in response to advertisements shall be sealed
19 and shall be publicly opened by the Authority. All bidders
20 shall be entitled to be present in person or by
21 representatives. Cash or a certified or satisfactory cashier's
22 check, as a deposit of good faith, in a reasonable amount to be
23 fixed by the Authority before advertising for bids, shall be
24 required with the proposal of each bidder. A bond for faithful
25 performance of the contract with surety or sureties
26 satisfactory to the Authority and adequate insurance may be

1 required in reasonable amounts to be fixed by the Authority
2 before advertising for bids.

3 (g) The contract shall be awarded as promptly as possible
4 after the opening of bids. The bid of the successful bidder, as
5 well as the bids of the unsuccessful bidders, shall be placed
6 on file and be open to public inspection. All bids shall be
7 void if any disclosure of the terms of any bid in response to
8 an advertisement is made or permitted to be made by the
9 Authority before the time fixed for opening bids.

10 (h) Notice of each and every contract that is offered,
11 including renegotiated contracts and change orders, shall be
12 published in an online bulletin. The online bulletin must
13 include at least the date first offered, the date submission of
14 offers is due, the location that offers are to be submitted to,
15 a brief purchase description, the method of source selection,
16 information of how to obtain a comprehensive purchase
17 description and any disclosure and contract forms, and
18 encouragement to prospective vendors to hire qualified
19 veterans, as defined by Section 45-67 of the Illinois
20 Procurement Code, and Illinois residents discharged from any
21 Illinois adult correctional center. Notice of each and every
22 contract that is let or awarded, including renegotiated
23 contracts and change orders, shall be published in the online
24 bulletin and must include at least all of the information
25 specified in this item (j), as well as the name of the
26 successful responsible bidder or offeror, the contract price,

1 and the number of unsuccessful responsive bidders and any other
2 disclosure specified in this Section. This notice must be
3 posted in the online electronic bulletin prior to execution of
4 the contract.

5 Section 70. No authority to make or promulgate rules.
6 Notwithstanding any other rulemaking authority that may exist,
7 neither the Governor nor any agency or agency head under the
8 jurisdiction of the Governor has any authority to make or
9 promulgate rules to implement or enforce the provisions of this
10 Act. If, however, the Governor believes that rules are
11 necessary to implement or enforce the provisions of this Act,
12 the Governor may suggest rules to the General Assembly by
13 filing them with the Clerk of the House and Secretary of the
14 Senate and by requesting that the General Assembly authorize
15 such rulemaking by law, enact those suggested rules into law,
16 or take any other appropriate action in the General Assembly's
17 discretion. Nothing contained in this Act shall be interpreted
18 to grant rulemaking authority under any other Illinois statute
19 where such authority is not otherwise explicitly given. For the
20 purposes of this Act, "rules" is given the meaning contained in
21 Section 1-70 of the Illinois Administrative Procedure Act, and
22 "agency" and "agency head" are given the meanings contained in
23 Sections 1-20 and 1-25 of the Illinois Administrative Procedure
24 Act to the extent that such definitions apply to agencies or
25 agency heads under the jurisdiction of the Governor.

1 Section 900. The State Fair Act is amended by changing
2 Sections 10 and 12 as follows:

3 (20 ILCS 210/10) (from Ch. 127, par. 1710)

4 Sec. 10. The Department may enter into contracts with other
5 government agencies to assist them in the operation of each
6 State Fair and the State Fairgrounds as well as the
7 requirements set forth in Section 9 of this Act.

8 The Department may cooperate with any other local, State or
9 federal agency in the furtherance of the intent of this Act.

10 The Department may receive and use any donation either from
11 the private or public sectors which is for betterment of each
12 State Fair and the State Fairgrounds.

13 All revenues from the operation and use of any facilities
14 of the Illinois State Fair at Springfield and the Springfield
15 State Fairgrounds, other than revenues from horse racing
16 conducted at the Springfield State Fairgrounds by the Illinois
17 State Fairgrounds Racetrack Authority, shall be deposited in
18 the Illinois State Fair Fund. All revenues from the operation
19 and use of any facilities of the DuQuoin State Fair and the
20 DuQuoin State Fairgrounds shall be deposited into the
21 Agricultural Premium Fund. All funds in the Illinois State Fair
22 Fund shall be used by the Department of Agriculture in
23 accordance with appropriation by the General Assembly for
24 operation of the Illinois State Fair.

1 Notwithstanding any other rulemaking authority that may
2 exist, neither the Governor nor any agency or agency head under
3 the jurisdiction of the Governor has any authority to make or
4 promulgate rules to implement or enforce the provisions of this
5 amendatory Act of the 95th General Assembly. If, however, the
6 Governor believes that rules are necessary to implement or
7 enforce the provisions of this amendatory Act of the 95th
8 General Assembly, the Governor may suggest rules to the General
9 Assembly by filing them with the Clerk of the House and the
10 Secretary of the Senate and by requesting that the General
11 Assembly authorize such rulemaking by law, enact those
12 suggested rules into law, or take any other appropriate action
13 in the General Assembly's discretion. Nothing contained in this
14 amendatory Act of the 95th General Assembly shall be
15 interpreted to grant rulemaking authority under any other
16 Illinois statute where such authority is not otherwise
17 explicitly given. For the purposes of this amendatory Act of
18 the 95th General Assembly, "rules" is given the meaning
19 contained in Section 1-70 of the Illinois Administrative
20 Procedure Act, and "agency" and "agency head" are given the
21 meanings contained in Sections 1-20 and 1-25 of the Illinois
22 Administrative Procedure Act to the extent that such
23 definitions apply to agencies or agency heads under the
24 jurisdiction of the Governor.

25 (Source: P.A. 88-5.)

1 (20 ILCS 210/12) (from Ch. 127, par. 1712)

2 Sec. 12. The Department shall have the power to promulgate
3 rules and regulations, pursuant to the Illinois Administrative
4 Procedure Act, governing the holding of each State Fair, the
5 operation of the State Fairgrounds, ~~the conditions under which~~
6 ~~racing shall be permitted on the State Fairgrounds,~~ the policy
7 for policing the grounds, and such other reasonable rules and
8 regulations as are necessary to carry out the intent of the
9 Act. However, the Department shall not be required to
10 promulgate rules and regulations pursuant to the Illinois
11 Administrative Procedure Act concerning those operations
12 stated in subsections (b) and (c) of Section 6 of this Act.
13 Instead, the requirements set forth in subsections (b) and (c)
14 of Section 6 must be followed.

15 Notwithstanding any other rulemaking authority that may
16 exist, neither the Governor nor any agency or agency head under
17 the jurisdiction of the Governor has any authority to make or
18 promulgate rules to implement or enforce the provisions of this
19 amendatory Act of the 95th General Assembly. If, however, the
20 Governor believes that rules are necessary to implement or
21 enforce the provisions of this amendatory Act of the 95th
22 General Assembly, the Governor may suggest rules to the General
23 Assembly by filing them with the Clerk of the House and the
24 Secretary of the Senate and by requesting that the General
25 Assembly authorize such rulemaking by law, enact those
26 suggested rules into law, or take any other appropriate action

1 in the General Assembly's discretion. Nothing contained in this
2 amendatory Act of the 95th General Assembly shall be
3 interpreted to grant rulemaking authority under any other
4 Illinois statute where such authority is not otherwise
5 explicitly given. For the purposes of this amendatory Act of
6 the 95th General Assembly, "rules" is given the meaning
7 contained in Section 1-70 of the Illinois Administrative
8 Procedure Act, and "agency" and "agency head" are given the
9 meanings contained in Sections 1-20 and 1-25 of the Illinois
10 Administrative Procedure Act to the extent that such
11 definitions apply to agencies or agency heads under the
12 jurisdiction of the Governor.

13 (Source: P.A. 93-1055, eff. 11-23-04.)

14 Section 905. The State Finance Act is amended by adding
15 Sections 5.708 and 6z-80 as follows:

16 (30 ILCS 105/5.708 new)

17 Sec. 5.708. The State Fairgrounds Infrastructure
18 Improvement Fund.

19 (30 ILCS 105/6z-80 new)

20 Sec. 6z-80. The State Fairgrounds Infrastructure
21 Improvement Fund. There is created the State Fairgrounds
22 Infrastructure Improvement Fund, a special fund in the State
23 treasury. Moneys in the Fund may be used by the Department of

1 Agriculture solely for infrastructure improvements to the
2 Illinois State Fairgrounds in Sangamon County. The State
3 Fairgrounds Infrastructure Improvement Fund is not subject to
4 sweeps, administrative charge-backs, including but not limited
5 to, those authorized under Section 8h of the State Finance Act,
6 or any other fiscal or budgetary maneuver that would in any way
7 transfer any funds from the Fund into any other fund of the
8 State.

9 Section 910. The Illinois Horse Racing Act of 1975 is
10 amended by changing Section 9 as follows:

11 (230 ILCS 5/9) (from Ch. 8, par. 37-9)

12 Sec. 9. The Board shall have all powers necessary and
13 proper to fully and effectively execute the provisions of this
14 Act, including, but not limited to, the following:

15 (a) The Board is vested with jurisdiction and supervision
16 over all race meetings in this State, over all licensees doing
17 business in this State, over all occupation licensees, and over
18 all persons on the facilities of any licensee. Such
19 jurisdiction shall include the power to issue licenses to the
20 Illinois Department of Agriculture authorizing the pari-mutuel
21 system of wagering on harness and Quarter Horse races held ~~(1)~~
22 ~~at the Illinois State Fair in Sangamon County, and (2) at the~~
23 DuQuoin State Fair in Perry County. The jurisdiction of the
24 Board shall also include the power to issue licenses to county

1 fairs which are eligible to receive funds pursuant to the
2 Agricultural Fair Act, as now or hereafter amended, or their
3 agents, authorizing the pari-mutuel system of wagering on horse
4 races conducted at the county fairs receiving such licenses.
5 Such licenses shall be governed by subsection (n) of this
6 Section.

7 Upon application, the Board shall issue a license to the
8 Illinois Department of Agriculture to conduct harness and
9 Quarter Horse races ~~at the Illinois State Fair and~~ at the
10 DuQuoin State Fairgrounds during the scheduled dates of each
11 fair. The Board shall not require and the Department of
12 Agriculture shall be exempt from the requirements of Sections
13 15.3, 18 and 19, paragraphs (a)(2), (b), (c), (d), (e), (e-5),
14 (e-10), (f), (g), and (h) of Section 20, and Sections 21, 24
15 and 25. The Board and the Department of Agriculture may extend
16 any or all of these exemptions to any contractor or agent
17 engaged by the Department of Agriculture to conduct its race
18 meetings when the Board determines that this would best serve
19 the public interest and the interest of horse racing.

20 Upon application, the Board shall issue a license to the
21 Illinois State Fairgrounds Racetrack Authority authorizing the
22 pari-mutuel system of wagering on live harness and Quarter
23 Horse races, inter-track wagering, simulcast wagering, and
24 advanced deposit wagering (if otherwise authorized by law)
25 through a racing contractor, as that term is defined in the
26 Illinois State Fairgrounds Racetrack Authority Act, for up 9

1 months of each year at the Illinois State Fairgrounds in
2 Sangamon County. Revenues received by the Board from this
3 license shall be deposited into the General Revenue Fund.

4 Notwithstanding any provision of law to the contrary, it
5 shall be lawful for any licensee to operate pari-mutuel
6 wagering or contract with the Department of Agriculture to
7 operate pari-mutuel wagering at the DuQuoin State Fairgrounds
8 or for the Department to enter into contracts with a licensee,
9 employ its owners, employees or agents and employ such other
10 occupation licensees as the Department deems necessary in
11 connection with race meetings and wagerings.

12 (b) The Board is vested with the full power to promulgate
13 reasonable rules and regulations for the purpose of
14 administering the provisions of this Act and to prescribe
15 reasonable rules, regulations and conditions under which all
16 horse race meetings or wagering in the State shall be
17 conducted. Such reasonable rules and regulations are to provide
18 for the prevention of practices detrimental to the public
19 interest and to promote the best interests of horse racing and
20 to impose penalties for violations thereof.

21 (c) The Board, and any person or persons to whom it
22 delegates this power, is vested with the power to enter the
23 facilities and other places of business of any licensee to
24 determine whether there has been compliance with the provisions
25 of this Act and its rules and regulations.

26 (d) The Board, and any person or persons to whom it

1 delegates this power, is vested with the authority to
2 investigate alleged violations of the provisions of this Act,
3 its reasonable rules and regulations, orders and final
4 decisions; the Board shall take appropriate disciplinary
5 action against any licensee or occupation licensee for
6 violation thereof or institute appropriate legal action for the
7 enforcement thereof.

8 (e) The Board, and any person or persons to whom it
9 delegates this power, may eject or exclude from any race
10 meeting or the facilities of any licensee, or any part thereof,
11 any occupation licensee or any other individual whose conduct
12 or reputation is such that his presence on those facilities
13 may, in the opinion of the Board, call into question the
14 honesty and integrity of horse racing or wagering or interfere
15 with the orderly conduct of horse racing or wagering; provided,
16 however, that no person shall be excluded or ejected from the
17 facilities of any licensee solely on the grounds of race,
18 color, creed, national origin, ancestry, or sex. The power to
19 eject or exclude an occupation licensee or other individual may
20 be exercised for just cause by the licensee or the Board,
21 subject to subsequent hearing by the Board as to the propriety
22 of said exclusion.

23 (f) The Board is vested with the power to acquire,
24 establish, maintain and operate (or provide by contract to
25 maintain and operate) testing laboratories and related
26 facilities, for the purpose of conducting saliva, blood, urine

1 and other tests on the horses run or to be run in any horse race
2 meeting and to purchase all equipment and supplies deemed
3 necessary or desirable in connection with any such testing
4 laboratories and related facilities and all such tests.

5 (g) The Board may require that the records, including
6 financial or other statements of any licensee or any person
7 affiliated with the licensee who is involved directly or
8 indirectly in the activities of any licensee as regulated under
9 this Act to the extent that those financial or other statements
10 relate to such activities be kept in such manner as prescribed
11 by the Board, and that Board employees shall have access to
12 those records during reasonable business hours. Within 120 days
13 of the end of its fiscal year, each licensee shall transmit to
14 the Board an audit of the financial transactions and condition
15 of the licensee's total operations. All audits shall be
16 conducted by certified public accountants. Each certified
17 public accountant must be registered in the State of Illinois
18 under the Illinois Public Accounting Act. The compensation for
19 each certified public accountant shall be paid directly by the
20 licensee to the certified public accountant. A licensee shall
21 also submit any other financial or related information the
22 Board deems necessary to effectively administer this Act and
23 all rules, regulations, and final decisions promulgated under
24 this Act.

25 (h) The Board shall name and appoint in the manner provided
26 by the rules and regulations of the Board: an Executive

1 Director; a State director of mutuels; Illinois Racing Board
2 ~~State~~ veterinarians and representatives to take saliva, blood,
3 urine and other tests on horses; licensing personnel; revenue
4 inspectors; and State seasonal employees (excluding admission
5 ticket sellers and mutuel clerks). All of those named and
6 appointed as provided in this subsection shall serve during the
7 pleasure of the Board; their compensation shall be determined
8 by the Board and be paid in the same manner as other employees
9 of the Board under this Act.

10 (i) The Board shall require that there shall be 3 stewards
11 at each horse race meeting, at least 2 of whom shall be named
12 and appointed by the Board. Stewards appointed or approved by
13 the Board, while performing duties required by this Act or by
14 the Board, shall be entitled to the same rights and immunities
15 as granted to Board members and Board employees in Section 10
16 of this Act.

17 (j) The Board may discharge any Board employee who fails or
18 refuses for any reason to comply with the rules and regulations
19 of the Board, or who, in the opinion of the Board, is guilty of
20 fraud, dishonesty or who is proven to be incompetent. The Board
21 shall have no right or power to determine who shall be
22 officers, directors or employees of any licensee, or their
23 salaries except the Board may, by rule, require that all or any
24 officials or employees in charge of or whose duties relate to
25 the actual running of races be approved by the Board.

26 (k) The Board is vested with the power to appoint delegates

1 to execute any of the powers granted to it under this Section
2 for the purpose of administering this Act and any rules or
3 regulations promulgated in accordance with this Act.

4 (l) The Board is vested with the power to impose civil
5 penalties of up to \$5,000 against an individual and up to
6 \$10,000 against a licensee for each violation of any provision
7 of this Act, any rules adopted by the Board, any order of the
8 Board or any other action which, in the Board's discretion, is
9 a detriment or impediment to horse racing or wagering.

10 (m) The Board is vested with the power to prescribe a form
11 to be used by licensees as an application for employment for
12 employees of each licensee.

13 (n) The Board shall have the power to issue a license to
14 any county fair, or its agent, authorizing the conduct of the
15 pari-mutuel system of wagering. The Board is vested with the
16 full power to promulgate reasonable rules, regulations and
17 conditions under which all horse race meetings licensed
18 pursuant to this subsection shall be held and conducted,
19 including rules, regulations and conditions for the conduct of
20 the pari-mutuel system of wagering. The rules, regulations and
21 conditions shall provide for the prevention of practices
22 detrimental to the public interest and for the best interests
23 of horse racing, and shall prescribe penalties for violations
24 thereof. Any authority granted the Board under this Act shall
25 extend to its jurisdiction and supervision over county fairs,
26 or their agents, licensed pursuant to this subsection. However,

1 the Board may waive any provision of this Act or its rules or
2 regulations which would otherwise apply to such county fairs or
3 their agents.

4 (o) Whenever the Board is authorized or required by law to
5 consider some aspect of criminal history record information for
6 the purpose of carrying out its statutory powers and
7 responsibilities, then, upon request and payment of fees in
8 conformance with the requirements of Section 2605-400 of the
9 Department of State Police Law (20 ILCS 2605/2605-400), the
10 Department of State Police is authorized to furnish, pursuant
11 to positive identification, such information contained in
12 State files as is necessary to fulfill the request.

13 (p) To insure the convenience, comfort, and wagering
14 accessibility of race track patrons, to provide for the
15 maximization of State revenue, and to generate increases in
16 purse allotments to the horsemen, the Board shall require any
17 licensee to staff the pari-mutuel department with adequate
18 personnel.

19 Notwithstanding any other rulemaking authority that may
20 exist, neither the Governor nor any agency or agency head under
21 the jurisdiction of the Governor has any authority to make or
22 promulgate rules to implement or enforce the provisions of this
23 amendatory Act of the 95th General Assembly. If, however, the
24 Governor believes that rules are necessary to implement or
25 enforce the provisions of this amendatory Act of the 95th
26 General Assembly, the Governor may suggest rules to the General

1 Assembly by filing them with the Clerk of the House and the
2 Secretary of the Senate and by requesting that the General
3 Assembly authorize such rulemaking by law, enact those
4 suggested rules into law, or take any other appropriate action
5 in the General Assembly's discretion. Nothing contained in this
6 amendatory Act of the 95th General Assembly shall be
7 interpreted to grant rulemaking authority under any other
8 Illinois statute where such authority is not otherwise
9 explicitly given. For the purposes of this amendatory Act of
10 the 95th General Assembly, "rules" is given the meaning
11 contained in Section 1-70 of the Illinois Administrative
12 Procedure Act, and "agency" and "agency head" are given the
13 meanings contained in Sections 1-20 and 1-25 of the Illinois
14 Administrative Procedure Act to the extent that such
15 definitions apply to agencies or agency heads under the
16 jurisdiction of the Governor.

17 (Source: P.A. 91-239, eff. 1-1-00.)

18 Section 915. The Riverboat Gambling Act is amended by
19 changing Section 13 as follows:

20 (230 ILCS 10/13) (from Ch. 120, par. 2413)

21 Sec. 13. Wagering tax; rate; distribution.

22 (a) Until January 1, 1998, a tax is imposed on the adjusted
23 gross receipts received from gambling games authorized under
24 this Act at the rate of 20%.

1 (a-1) From January 1, 1998 until July 1, 2002, a privilege
2 tax is imposed on persons engaged in the business of conducting
3 riverboat gambling operations, based on the adjusted gross
4 receipts received by a licensed owner from gambling games
5 authorized under this Act at the following rates:

6 15% of annual adjusted gross receipts up to and
7 including \$25,000,000;

8 20% of annual adjusted gross receipts in excess of
9 \$25,000,000 but not exceeding \$50,000,000;

10 25% of annual adjusted gross receipts in excess of
11 \$50,000,000 but not exceeding \$75,000,000;

12 30% of annual adjusted gross receipts in excess of
13 \$75,000,000 but not exceeding \$100,000,000;

14 35% of annual adjusted gross receipts in excess of
15 \$100,000,000.

16 (a-2) From July 1, 2002 until July 1, 2003, a privilege tax
17 is imposed on persons engaged in the business of conducting
18 riverboat gambling operations, other than licensed managers
19 conducting riverboat gambling operations on behalf of the
20 State, based on the adjusted gross receipts received by a
21 licensed owner from gambling games authorized under this Act at
22 the following rates:

23 15% of annual adjusted gross receipts up to and
24 including \$25,000,000;

25 22.5% of annual adjusted gross receipts in excess of
26 \$25,000,000 but not exceeding \$50,000,000;

1 27.5% of annual adjusted gross receipts in excess of
2 \$50,000,000 but not exceeding \$75,000,000;

3 32.5% of annual adjusted gross receipts in excess of
4 \$75,000,000 but not exceeding \$100,000,000;

5 37.5% of annual adjusted gross receipts in excess of
6 \$100,000,000 but not exceeding \$150,000,000;

7 45% of annual adjusted gross receipts in excess of
8 \$150,000,000 but not exceeding \$200,000,000;

9 50% of annual adjusted gross receipts in excess of
10 \$200,000,000.

11 (a-3) Beginning July 1, 2003, a privilege tax is imposed on
12 persons engaged in the business of conducting riverboat
13 gambling operations, other than licensed managers conducting
14 riverboat gambling operations on behalf of the State, based on
15 the adjusted gross receipts received by a licensed owner from
16 gambling games authorized under this Act at the following
17 rates:

18 15% of annual adjusted gross receipts up to and
19 including \$25,000,000;

20 27.5% of annual adjusted gross receipts in excess of
21 \$25,000,000 but not exceeding \$37,500,000;

22 32.5% of annual adjusted gross receipts in excess of
23 \$37,500,000 but not exceeding \$50,000,000;

24 37.5% of annual adjusted gross receipts in excess of
25 \$50,000,000 but not exceeding \$75,000,000;

26 45% of annual adjusted gross receipts in excess of

1 \$75,000,000 but not exceeding \$100,000,000;

2 50% of annual adjusted gross receipts in excess of
3 \$100,000,000 but not exceeding \$250,000,000;

4 70% of annual adjusted gross receipts in excess of
5 \$250,000,000.

6 An amount equal to the amount of wagering taxes collected
7 under this subsection (a-3) that are in addition to the amount
8 of wagering taxes that would have been collected if the
9 wagering tax rates under subsection (a-2) were in effect shall
10 be paid into the Common School Fund.

11 The privilege tax imposed under this subsection (a-3) shall
12 no longer be imposed beginning on the earlier of (i) July 1,
13 2005; (ii) the first date after June 20, 2003 that riverboat
14 gambling operations are conducted pursuant to a dormant
15 license; or (iii) the first day that riverboat gambling
16 operations are conducted under the authority of an owners
17 license that is in addition to the 10 owners licenses initially
18 authorized under this Act. For the purposes of this subsection
19 (a-3), the term "dormant license" means an owners license that
20 is authorized by this Act under which no riverboat gambling
21 operations are being conducted on June 20, 2003.

22 (a-4) Beginning on the first day on which the tax imposed
23 under subsection (a-3) is no longer imposed, a privilege tax is
24 imposed on persons engaged in the business of conducting
25 riverboat gambling operations, other than licensed managers
26 conducting riverboat gambling operations on behalf of the

1 State, based on the adjusted gross receipts received by a
2 licensed owner from gambling games authorized under this Act at
3 the following rates:

4 15% of annual adjusted gross receipts up to and
5 including \$25,000,000;

6 22.5% of annual adjusted gross receipts in excess of
7 \$25,000,000 but not exceeding \$50,000,000;

8 27.5% of annual adjusted gross receipts in excess of
9 \$50,000,000 but not exceeding \$75,000,000;

10 32.5% of annual adjusted gross receipts in excess of
11 \$75,000,000 but not exceeding \$100,000,000;

12 37.5% of annual adjusted gross receipts in excess of
13 \$100,000,000 but not exceeding \$150,000,000;

14 45% of annual adjusted gross receipts in excess of
15 \$150,000,000 but not exceeding \$200,000,000;

16 50% of annual adjusted gross receipts in excess of
17 \$200,000,000.

18 (a-8) Riverboat gambling operations conducted by a
19 licensed manager on behalf of the State are not subject to the
20 tax imposed under this Section.

21 (a-10) The taxes imposed by this Section shall be paid by
22 the licensed owner to the Board not later than 3:00 o'clock
23 p.m. of the day after the day when the wagers were made.

24 (a-15) If the privilege tax imposed under subsection (a-3)
25 is no longer imposed pursuant to item (i) of the last paragraph
26 of subsection (a-3), then by June 15 of each year, each owners

1 licensee, other than an owners licensee that admitted 1,000,000
2 persons or fewer in calendar year 2004, must, in addition to
3 the payment of all amounts otherwise due under this Section,
4 pay to the Board a reconciliation payment in the amount, if
5 any, by which the licensed owner's base amount exceeds the
6 amount of net privilege tax paid by the licensed owner to the
7 Board in the then current State fiscal year. A licensed owner's
8 net privilege tax obligation due for the balance of the State
9 fiscal year shall be reduced up to the total of the amount paid
10 by the licensed owner in its June 15 reconciliation payment.
11 The obligation imposed by this subsection (a-15) is binding on
12 any person, firm, corporation, or other entity that acquires an
13 ownership interest in any such owners license. The obligation
14 imposed under this subsection (a-15) terminates on the earliest
15 of: (i) July 1, 2007, (ii) the first day after the effective
16 date of this amendatory Act of the 94th General Assembly that
17 riverboat gambling operations are conducted pursuant to a
18 dormant license, (iii) the first day that riverboat gambling
19 operations are conducted under the authority of an owners
20 license that is in addition to the 10 owners licenses initially
21 authorized under this Act, or (iv) the first day that a
22 licensee under the Illinois Horse Racing Act of 1975 conducts
23 gaming operations with slot machines or other electronic gaming
24 devices. The Board must reduce the obligation imposed under
25 this subsection (a-15) by an amount the Board deems reasonable
26 for any of the following reasons: (A) an act or acts of God,

1 (B) an act of bioterrorism or terrorism or a bioterrorism or
2 terrorism threat that was investigated by a law enforcement
3 agency, or (C) a condition beyond the control of the owners
4 licensee that does not result from any act or omission by the
5 owners licensee or any of its agents and that poses a hazardous
6 threat to the health and safety of patrons. If an owners
7 licensee pays an amount in excess of its liability under this
8 Section, the Board shall apply the overpayment to future
9 payments required under this Section.

10 For purposes of this subsection (a-15):

11 "Act of God" means an incident caused by the operation of
12 an extraordinary force that cannot be foreseen, that cannot be
13 avoided by the exercise of due care, and for which no person
14 can be held liable.

15 "Base amount" means the following:

16 For a riverboat in Alton, \$31,000,000.

17 For a riverboat in East Peoria, \$43,000,000.

18 For the Empress riverboat in Joliet, \$86,000,000.

19 For a riverboat in Metropolis, \$45,000,000.

20 For the Harrah's riverboat in Joliet, \$114,000,000.

21 For a riverboat in Aurora, \$86,000,000.

22 For a riverboat in East St. Louis, \$48,500,000.

23 For a riverboat in Elgin, \$198,000,000.

24 "Dormant license" has the meaning ascribed to it in
25 subsection (a-3).

26 "Net privilege tax" means all privilege taxes paid by a

1 licensed owner to the Board under this Section, less all
2 payments made from the State Gaming Fund pursuant to subsection
3 (b) of this Section.

4 The changes made to this subsection (a-15) by Public Act
5 94-839 are intended to restate and clarify the intent of Public
6 Act 94-673 with respect to the amount of the payments required
7 to be made under this subsection by an owners licensee to the
8 Board.

9 (b) Until January 1, 1998, 25% of the tax revenue deposited
10 in the State Gaming Fund under this Section shall be paid,
11 subject to appropriation by the General Assembly, to the unit
12 of local government which is designated as the home dock of the
13 riverboat. Beginning January 1, 1998, from the tax revenue
14 deposited in the State Gaming Fund under this Section, an
15 amount equal to 5% of adjusted gross receipts generated by a
16 riverboat shall be paid monthly, subject to appropriation by
17 the General Assembly, to the unit of local government that is
18 designated as the home dock of the riverboat. From the tax
19 revenue deposited in the State Gaming Fund pursuant to
20 riverboat gambling operations conducted by a licensed manager
21 on behalf of the State, an amount equal to 5% of adjusted gross
22 receipts generated pursuant to those riverboat gambling
23 operations shall be paid monthly, subject to appropriation by
24 the General Assembly, to the unit of local government that is
25 designated as the home dock of the riverboat upon which those
26 riverboat gambling operations are conducted.

1 (b-5) If electronic gaming is authorized under the Illinois
2 Horse Racing Act of 1975 and this Act, then an amount equal to
3 5% of the adjusted gross receipts of an electronic gaming
4 facility shall be paid monthly, subject to appropriation by the
5 General Assembly, to the unit of local government in which the
6 electronic gaming facility is located, except that, for an
7 electronic gaming facility located at the Illinois State
8 Fairgrounds in Sangamon County, the 5% of adjusted gross
9 receipts shall be paid to the Sangamon County Central Dispatch
10 System to offset operating expenses, with any surplus divided
11 equally between Sangamon County and the City of Springfield.

12 (b-10) If electronic gaming is authorized under the
13 Illinois Horse Racing Act of 1975 and this Act at the Illinois
14 State Fairgrounds in Sangamon County, then an amount equal to
15 10% of the adjusted gross receipts of such electronic gaming
16 shall be transferred monthly into the State Fairgrounds
17 Infrastructure Improvement Fund.

18 (b-15) If electronic gaming is authorized under the
19 Illinois Horse Racing Act of 1975 and this Act under the
20 supervision of the Illinois State Fairgrounds Racetrack
21 Authority, and should the Authority's share of adjusted gross
22 receipts from this gaming and any associated horse racing
23 exceed the Authority's appropriations for any fiscal year,
24 every July 31 following every fiscal year this surplus, if any,
25 shall be divided into equal halves and paid to: (1) Sangamon
26 County, and (2) the City of Springfield.

1 (c) Appropriations, as approved by the General Assembly,
2 may be made from the State Gaming Fund to the Department of
3 Revenue and the Department of State Police for the
4 administration and enforcement of this Act, or to the
5 Department of Human Services for the administration of programs
6 to treat problem gambling.

7 (c-5) Before May 26, 2006 (the effective date of Public Act
8 94-804) and beginning 2 years after May 26, 2006 (the effective
9 date of Public Act 94-804), after the payments required under
10 subsections (b) and (c) have been made, an amount equal to 15%
11 of the adjusted gross receipts of (1) an owners licensee that
12 relocates pursuant to Section 11.2, (2) an owners licensee
13 conducting riverboat gambling operations pursuant to an owners
14 license that is initially issued after June 25, 1999, or (3)
15 the first riverboat gambling operations conducted by a licensed
16 manager on behalf of the State under Section 7.3, whichever
17 comes first, shall be paid from the State Gaming Fund into the
18 Horse Racing Equity Fund.

19 (c-10) Each year the General Assembly shall appropriate
20 from the General Revenue Fund to the Education Assistance Fund
21 an amount equal to the amount paid into the Horse Racing Equity
22 Fund pursuant to subsection (c-5) in the prior calendar year.

23 (c-15) After the payments required under subsections (b),
24 (c), and (c-5) have been made, an amount equal to 2% of the
25 adjusted gross receipts of (1) an owners licensee that
26 relocates pursuant to Section 11.2, (2) an owners licensee

1 conducting riverboat gambling operations pursuant to an owners
2 license that is initially issued after June 25, 1999, or (3)
3 the first riverboat gambling operations conducted by a licensed
4 manager on behalf of the State under Section 7.3, whichever
5 comes first, shall be paid, subject to appropriation from the
6 General Assembly, from the State Gaming Fund to each home rule
7 county with a population of over 3,000,000 inhabitants for the
8 purpose of enhancing the county's criminal justice system.

9 (c-20) Each year the General Assembly shall appropriate
10 from the General Revenue Fund to the Education Assistance Fund
11 an amount equal to the amount paid to each home rule county
12 with a population of over 3,000,000 inhabitants pursuant to
13 subsection (c-15) in the prior calendar year.

14 (c-25) After the payments required under subsections (b),
15 (c), (c-5) and (c-15) have been made, an amount equal to 2% of
16 the adjusted gross receipts of (1) an owners licensee that
17 relocates pursuant to Section 11.2, (2) an owners licensee
18 conducting riverboat gambling operations pursuant to an owners
19 license that is initially issued after June 25, 1999, or (3)
20 the first riverboat gambling operations conducted by a licensed
21 manager on behalf of the State under Section 7.3, whichever
22 comes first, shall be paid from the State Gaming Fund to
23 Chicago State University.

24 (d) From time to time, the Board shall transfer the
25 remainder of the funds generated by this Act into the Education
26 Assistance Fund, created by Public Act 86-0018, of the State of

1 Illinois.

2 (e) Nothing in this Act shall prohibit the unit of local
3 government designated as the home dock of the riverboat from
4 entering into agreements with other units of local government
5 in this State or in other states to share its portion of the
6 tax revenue.

7 (f) To the extent practicable, the Board shall administer
8 and collect the wagering taxes imposed by this Section in a
9 manner consistent with the provisions of Sections 4, 5, 5a, 5b,
10 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the
11 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
12 Penalty and Interest Act.

13 (g) Notwithstanding any other rulemaking authority that
14 may exist, neither the Governor nor any agency or agency head
15 under the jurisdiction of the Governor has any authority to
16 make or promulgate rules to implement or enforce the provisions
17 of this amendatory Act of the 95th General Assembly. If,
18 however, the Governor believes that rules are necessary to
19 implement or enforce the provisions of this amendatory Act of
20 the 95th General Assembly, the Governor may suggest rules to
21 the General Assembly by filing them with the Clerk of the House
22 and the Secretary of the Senate and by requesting that the
23 General Assembly authorize such rulemaking by law, enact those
24 suggested rules into law, or take any other appropriate action
25 in the General Assembly's discretion. Nothing contained in this
26 amendatory Act of the 95th General Assembly shall be

1 interpreted to grant rulemaking authority under any other
2 Illinois statute where such authority is not otherwise
3 explicitly given. For the purposes of this amendatory Act of
4 the 95th General Assembly, "rules" is given the meaning
5 contained in Section 1-70 of the Illinois Administrative
6 Procedure Act, and "agency" and "agency head" are given the
7 meanings contained in Sections 1-20 and 1-25 of the Illinois
8 Administrative Procedure Act to the extent that such
9 definitions apply to agencies or agency heads under the
10 jurisdiction of the Governor.

11 (Source: P.A. 94-673, eff. 8-23-05; 94-804, eff. 5-26-06;
12 94-839, eff. 6-6-06; 95-331, eff. 8-21-07.)

13 Section 999. Effective date. This Act takes effect upon
14 becoming law."